HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.16022 of 2005

Dated: 22nd August, 2005

Between:

K.Ramakrishnam Raju, S/o.Suryanarayana Raju,

R/o.Flat No.501, Gayatri Residency, Madhuranagar,

Hyderabad.

..... PETITIONER

AND

1. The District Collector, Rangareddy District and others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.16022 of 2005

ORDER:

This writ petition has been filed by K.Ramakrishnam Raju with a prayer to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Surveyor, Land Protection, Rangareddy District/4th respondent and the Mandal Surveyor, Uppal Mandal, Rangareddy District/5th respondent in conducting the survey in the land admeasuring 893.33 square yards belonging to the petitioner bearing Plot Nos.154, 154/B, 155 and 156, forming part of Sy. No.260, Kartikeya Nagar, Nacharam Village, Uppal Mandal, Rangareddy District; the further action of the District Collector, Rangareddy

District/1st respondent, the Special Grade Deputy Collector, Land Protection, Rangareddy District/2nd respondent in issuing letter No.LP4/3083/2005, dated 05.07.2005, directing the Mandal Revenue Officer, Uppal Mandal, Rangareddy District/3rd respondent to demolish a portion of the residential complex constructed by the petitioner in the said land; the further action of the Mandal Revenue Officer, Uppal Mandal, Rangareddey District/3rd respondent in issuing notice bearing No.B/5230/2005 dated 08.07.2005 under Section 7 of the Andhra Pradesh Land Encroachyment Act, 1905 (for short, 'the Act') and further action of the 3rd respondent in issuing order and notice bearing No.5230/2005 dated 20.07.2005 under Section 6 of the Act, granting 24 hours time to the petitioner to vacate the said residential complex as highly arbitrary and without jurisdiction and violative of the fundamental rights and constitutional rights guaranteed to him and the persons, who purchased the flats in the said residential complex.

2. The petitioner is a builder and he is proceeding with the construction of the five-storeyed building in Survey No.260 after obtaining necessary permission from the authorities concerned. Whileso, the Mandal Revenue Officer, Uppal Mandal, Rangareddy District, initiated proceedings under the Act, issued a show-cause notice to the petitioner under Section 7 of the Act and passed final orders under Section 6 of the Act. Assailing the action of the Mandal Revenue Officer, the petitioner filed this writ petition.

3. Learned senior counsel appearing for the petitioner submits that the petitioner is a reputed builder and he is proceeding with the construction of five-storeyed building in Survey No.260 after obtaining necessary permission from the authorities concerned. He further submits that the petitioner has not encroached any part of the government land, and therefore, the order passed by the 3rd respondent in directing the petitioner to demolish the structures put-up by him is not legal and proper. He also raised various contentions, which are not relevant in view of the order proposed to be passed.

4. Learned Government Pleader for Revenue appearing for the respondents submits

that the petitioner has an alternative remedy of appeal under Section 10 of the Act before the Statutory Authority and therefore, the petitioner has to work out that remedy.

5. Without going into the merits of the case, I deem it appropriate to direct the petitioner to exhaust the statutory remedy of appeal available under Section 10 of the Act.

6. In the result, the writ petition is disposed of giving liberty to the petitioner to file an appeal before the statutory authority within two weeks from the date of this order and thereafter, the statutory authority has to consider the appeal within six weeks. Till the appeal is filed before the statutory authority and necessary application moved by the petitioner for interim suspension of the order passed by the Mandal Revenue Officer, Uppal Mandal, Rangareddy District/3rd respondent, interim orders granted by this Court on 21.07.2005 in W.P.M.P.No.20356 of 2005 shall continue.

No costs.

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B.SESHASAYANA REDDY, J.

Dated: 22nd August, 2005.

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